II. Remarks

Claims 1 and 4-20 were pending in this application. Claims 10, 12-17, 19 and 20 have been withdrawn from consideration. Claims 1, 4-9, 11 and 18 have been rejected. The present amendment amends claims 1, 4, and 5 to more particularly point out and clarify Applicant's invention. No new matter has been added. After this amendment, claims 1 and 4-20 will be pending.

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Claim Rejections under 35 U.S.C. § 112

Claim 1 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of claim 1, lines 11 and 16 is unclear or inconsistent because completion of maintenance of the first energy absorption level (line 11) would preclude maintaining the first energy absorbing level (line 16).

The Examiner stated that the language of claim 1, lines 11 and 16 is unclear or inconsistent because completion of maintenance of the first energy absorption level (line 11) would preclude maintaining the first energy absorbing level (line 16).

The Examiner further rejected the expressions "a second energy absorbing level" (lines 12-13), "an initial belt force" (lines 17-18), "based on the occurrence of a relative movement between two components corresponding to and caused by an initial belt force that is less than a predetermined force" (lines 13-15).

Claim 1 has been rewritten to remove all indefinite terms and to add structure to the functional terms. for instance, instead of referring to a relative movement between two components, the claim language now refers to a deformation of the first section of the force limiter. Applicants believe that all terms have been provided with proper antecedent basis. The added limitations are derived from claim 5 and from the specification, for example paragraphs [0056] and [0068].

Rejection under 35 U.S.C. § 102

Claims 1, 4-9, 11, and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,616,081 issued to Clute, et al. ("Clute"). In view of the amendments and remarks contained herein, Applicant respectfully submits that the rejections of claims 1, 4-9, 11, and 18 are traversed.

Like the Clute reference, the present application deals with belt retractor that has a force limiter with a stiff section and a soft section. When the belt locks, the stiff section is initially active. A control mechanism can switch the energy absorption level from the stiff section to the soft section to reduce belt loading. Clute activates the control mechanism with an electrical signal either after a specific time of locking the seat belt or after reaching a specific speed at which the seat belt webbing is paid out. The present invention realizes that it is not desirable to switch to the soft section if the seat occupant is heavy and needs a higher belt load limit force. Accordingly, the present invention disables this switching function if, before the control mechanism is triggered, the seat occupant already exerts such a force on the seat belt that the stiffer portion of the torsion bar is deformed. This means that, when the electric signal is generated, the

control mechanism will not work. The claim language now clarifies that the deformation of the first section disables the mechanism.

Clute does not consider a deformation of the stiff portion of the force limiter before the control mechanism is triggered and never disables the control mechanism. The conditions for triggering the control mechanism may not always occur, but the control mechanism's functionality is not dependent on an undeformed first section of the force limiter. In that Chute lacks the noted elements of claim 1, the rejections based thereon should be withdrawn. Accordingly, Applicant believes that claim 1 and its dependent claims 4-9, 11 and 18 are in a condition for allowance.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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